

DOCKET NO.: CING-0615
Application No.: 09/665,780
Office Action Dated: 1/26/2006

PATENT

Amendments to the Drawings

The attached sheet(s) of drawings includes changes to Fig(s) 1 and 2. The sheet(s), which includes Fig(s) 1 and 2, replaces the original sheet(s) including Fig(s) 1 and 2.

Attachment: Replacement Sheet(s)

REMARKS

Status of the Claims

- Claims 1-18 are pending in the Application.
- Claims 1-18 are rejected by the Examiner.

Drawings

Applicant respectfully submits replacement drawings for the present Application. Applicant submits that no new matter is added as a result of the replacement Drawings.

Claim Rejections Pursuant to 35 U.S.C. §103 (a)

Claims 1-4, 6-8, 10-12, 14-16, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,253,327 to Zhang in view of U.S. Patent No. 6,304,566 to Schessel and in further view of U.S. Patent No. 6,496,824 to Wilf. Applicant respectfully traverses the rejection.

The present Office Action dated 1/26/2006 states on page 3:

“Zhang does not teach that the request includes a telephone number of the user, and wherein the telephone call placed through the shared modem to the public telephone network includes the user’s telephone number in addition to any telephone number associated with the shared modem; correlating the user identifying information with the billing information associated with the user. Including the user’s telephone number; and forwarding call charge information from the public telephone network so that the user is billed for the call, while other users of the shared modem are separately billed for telephone calls they placed.” (page 3 Office Action dated 1/26/06).

Applicant agrees that Zhang does not teach the mentioned elements.
The present Office Action states on page 4:

“Zhang in view of Schessel does not teach that the telephone call placed through the shared modem to the public telephone network includes the user’s telephone number in addition to any telephone number associated with the shared modem pool.”
Applicant agrees. (page 4, present Office Action)

Applicant agrees that Zhang in view of Schessel does not teach the mentioned element. The present Office Action states on page 4:

“Wilf teaches that the telephone call placed through the shared modem to the public telephone network includes the user’s telephone number in addition to any telephone

number associated with the shared modem pool (Proxy's IP address and Client-IP address; column(s) 1, lines(s) 29-45) for the purpose of session management of internet communications." (page 4, present Office Action)

Applicant respectfully disagrees that Wilf teaches the Claim 1 element of "...the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool". Further, Applicant respectfully submits that the combination of Zhang in view of Schessel and in further view of Wilf fails to teach the above mentioned element of Claim 1.

Schessel teaches at col. 1, lines 29-50 :

"As is also known in the art, when accessing the ISP with a modem, the ISP makes available a modem in a modem pool in what is sometimes referred to as a "point-to-point" protocol. When accessing the ISP with a direct leased line, as from a LAN or cable company (CATV), data packets transfer between the LAN or cable and the IP network directly as IP packets of information. The routing through the IP network is, as noted above, using the TCP/IP network protocol with each point on the IP network having a TCP/IP address. A router server is coupled to the IP network to convert between an E.164 telephone number (i.e., using a central office addressing protocol) and TCP/IP address (i.e., the IP TCP/IP network addressing protocol). Thus, for example, if a cable-based IP user wishes to call a called party on the PSTN network, the calling party dials the called party's E.164 directory number, the router server converts the dialed number to an TCP/IP number, the call is routed through the cable-based IP network to the TCP/IP address of an ISP gateway which then converts the TCP/IP address to the called party's E.164 directory telephone number and directs the call through the central office on one of the lines (i.e., a trunk line) into the central office." (col. 1, lines 29-50).

Thus, Schessel teaches that an E.164 standard telephone number can be "converted" to a TCP/IP address using a router server. Applicant notes that independent Claims 1, 6, 10, and 15 do not recite the conversion of a telephone number to a TCP/IP address. Such a conversion is not an element of the recited claims.

Wilf teaches a method for session management over a stateless protocol (Title). As stated in col. 1, lines 61-66:

"It is well known that HTTP is a stateless protocol, which means that an HTTP server handles each request from a client independently from all other requests from the same client. Therefore, a number of techniques have been developed in order to add

state to the HTTP protocol. Examples are "cookies", altering the URL to include encoded session data...." (col. 1, lines 61-67).

Applicant notes Wilf teaches session management of Internet communications using TCP/IP protocol and fails to teach any aspect of an E.164 telephone number.

Although Schessel teaches conversion of an E.164 standard telephone number to a TCP/IP protocol, Schessel fails to teach "... the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool" as recited in Claim 1.

The Office Action dated 1/26/2006 seems to rely on Schessel's teaching of a conversion from a telephone number to a IP address in order to rationalize a combination with Wilf to construct an argument to reach the Claim 1 element of "...the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool." However, Applicant respectfully believes that this reliance is unjustified.

Even if Wilf teaches "Proxy's IP address and Client-IPaddress; column(s) 1, lines(s) 29-45" as suggested in the present Office Action on page 4, Wilf fails to teach "... the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool" as recited in Claim 1 because a TCP/IP address is not a telephone number. A notable factor here is that Claim 1 does not convert a E.164 standard telephone number to a TCP/IP address as taught in Wilf. Accordingly, a users telephone number and a telephone number associated with a shared modem pool cannot reasonably be equated to a Proxy IP address and a Client IP address because there is no "conversion" between a telephone number and a TCP/IP address in the invention recitation of Claim 1.

Claim 1 does not recite a conversion from a telephone number to an IP address. Accordingly, Applicant respectfully submits that there is no motivation to combine Schessel with Wilf to result in the element of "... the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool" without the conversion stated in Schessel. Since Claim 1 is without the critical conversion, the

combination of Schessel and Wilf produces a result that is not related to any recitation of Claim 1. Thus, there is not motivation to combine Schessel and Wilf because the combination does not teach or suggest an element recited in Claim 1.

Viewed another way, the recited invention of Claim 1 patentably defines over the stated combination of Zhang, Schessel, and Wilf because the recited combination achieves an objective without the Schessel telephone number to IP “conversion” that is so critical to the Schessel and Wilf combination.

Applicant respectfully submits that if the results of a combination produce a result that has no relation to a claimed element, then there is no reasonable motivation to combine the references because a prima facie case of obviousness is not made as a result of the combination. This lack of motivation to combine occurs for a multiplicity of reasons. Those reasons include lack of reasonable expectation for success and failure to teach or suggest all elements in the claimed invention.

MPEP 2143.02 states that prior art can be modified or combined to reject claims as prima facie obvious as long as there is a reasonable expectation of success. Applicant submits that without a reasonable expectation of success, the references cannot be logically combined to form a viable 35 USC §103 rejection. In this instance, since Claim 1 is without a conversion between telephone number and an IP address, then there is no reasonable expectation that the combination of Schessel and Wilf would produce the element of “... the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool”. Thus, with no reasonable expectation of success, because there is no technical mechanism in the recited claims to support the notion of a “conversion” between a telephone number and an IP address, then no prima facie case of obviousness may be formed using the combination of Schessel and Wilf to find the all of the elements in Claim 1.

According to MPEP 2143.03, all claim limitations must be taught or suggested to establish a prima facie case of obviousness. The combination of Zhang, Schessel, and Wilf fail to teach “wherein the telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool” as recited in Claim 1. Therefore, Claim 1 cannot be rendered obvious by the stated combination of references.

Applicant notes that independent Claims 1, 6, 10, and 15 each have an element reflecting the inclusion of a user's telephone number in addition to any telephone number associated with the shared modem pool.

Since neither Zhang nor Schessel, nor Wilf teach or suggest all of the elements of the independent Claims 1, 6, 10, and 15, the combination cannot render obvious these claims. Applicant respectfully requests withdrawal of the 35 U.S.C §103(a) rejection of independent Claim 1, 6, 10, and 15 and their respective dependent claims as these claims patentably define over the cited art.

Claims 5, 9, 13, and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,253,327 to Zhang in view of U.S. Patent No. 6,304,566 to Schessel and in further view of U.S. Patent No. 6,496,824 to Wilf and in further view of US Patent No. 5,721,780 to Ensor. Applicant respectfully traverses the rejection.

Applicant respectfully submits that Ensor fails to teach the inclusion of a user's telephone number in addition to any telephone number associated with the shared modem pool. Also, as stated above, Zhang, Schessel, and Wilf also fail to teach this element. In addition, there is no motivation to combine Wilf with Schessel because the combination does not teach or suggest an element of the recited independent claims. Accordingly, Applicant respectfully submits that neither Zhang, nor Schessel, nor Wilf, nor Ensor, considered separately or combined, teach or suggest a telephone call placed through the shared modem pool to the public telephony network includes the user's telephone number in addition to any telephone number associated with the shared modem pool as recited in the claims. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C §103(a) rejection of Claims 5, 9, 13, and 17 as these claims patentably define over the cited art.

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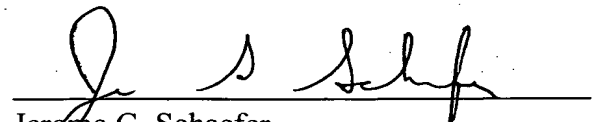
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Conclusion

Applicant respectfully requests reconsideration of all pending claims in light of the arguments above. Applicant respectfully requests a Notice of Allowance for all pending claims as they patentably define over the cited art.

Respectfully Submitted,

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